

REMARKS

Claims 1 - 34 are in this application. Claims 1 - 21 have been allowed. Claims 23 - 34 are presented with request for reconsideration of the outstanding rejection.

Independent claims 22 and 37 have been rejected along with other claims as being obvious based on the teachings of Lemoine (U.S. 1,983,475) in view of Conzen non-patent document (Degradation of Inhalation and Anaesthetics by CO₂ Absorbers). The rejection is based on the position that Lemoine discloses Applicant's invention as claimed with the exception of using calcium hydroxide as the carbon dioxide absorber.

Applicant respectfully requests reconsideration in view of the fact that claims 22 and 37 include features which are not disclosed by Lemoine. These differences do not deal only with the use of a CO₂ absorber. With regard to claim 22, Lemoine does not itself disclose a breathing circuit. Further, Lemoine does not disclose an evaporating agent reservoir for holding evaporating agent in a liquid state as well as a connection line and a delivery of such evaporation agent in a liquid state to an outer surface of the calcium hydroxide absorber. Of greatest importance, Lemoine fails to teach critical aspects of the invention, namely the flow generator distributing cooling gas volume flow as a separate flow from the breathing gas flow. Although Lemoine's plate E is a filter to screen out liquids (effectively evaporate any liquid such as saliva coming from a user) if this represents a cooling, this is the same flow as the breathing gas flow. As such, the features of the flow generator generating a cooling gas volume flow that is separate from the breathing gas flow and is directed to the outer surface of the absorbers is not present. Further, Lemoine clearly does not provide such a

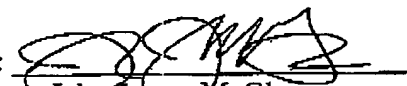
flow generator with a gas flow of at least 60 liters per minute. Applicant has noted the importance and criticality of this feature and this feature is clearly not present in Lemoine. The references as a whole clearly fail to teach and clearly fail to suggest this feature as well.

Claim 37 has similar issues, with the claim again having a flow generator generating a cooling gas flow which is separate from the breathing gas flow and which cooling gas flow is directed to an outer surface of the absorber. Further, the gas flow is of at least 60 liters per minute as claimed. As such, Lemoine fails to teach and fails to suggest important and critical features of the invention. The rejection is untenable as stated as it is not true that Lemoine discloses the invention except for using a particular absorber type.

As the combination of features claimed are clearly neither taught nor suggested by the prior art as a whole, Applicant respectfully requests that the Examiner reconsider the rejections and allow the claims as presented.

Respectfully submitted
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